

REMARKS/ARGUMENTS

Claims 1 and 2 are rejected under 35 USC 103 as being unpatentable over Tanabe et al. in view of Yoshizawa et al. Applicants respectfully submit that Yoshizawa et al. is disqualified as a reference under 35 USC 103 and, therefore, request that the rejection be withdrawn.

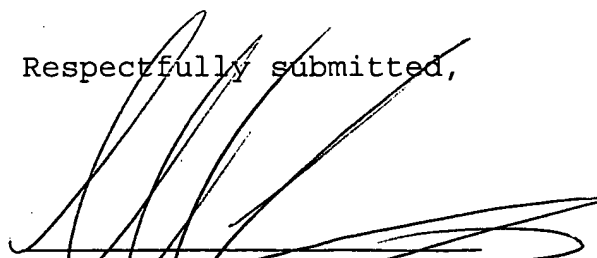
The present application is the national phase application of PCT/JP2003/016151 filed December 17, 2003. Yoshizawa et al. did not publish until January 24, 2004. Therefore, Yoshizawa et al. qualifies as a reference only under 35 USC 102(e), that is, Yoshizawa is a reference only as of its September 30, 2003 filing date.

We have been advised that the present application and Yoshizawa et al. are both assigned to the same owner (Konica Minolta Holdings, Inc.). Therefore, under the terms of 35 USC 103(c)(1) Yoshizawa et al. is disqualified as a reference.

Withdrawal of the rejections are therefore respectfully requested.

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